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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,610	11/21/2003	Gi Hyeong Do	9988.071.00-US	8195

7590 12/01/2004

Song K. Jung
MCKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006

EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,610

Applicant(s)

DO, GI HYEONG

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Krausch (US 6,158,148). Krausch is considered to disclose the claimed method comprising:

- initiating a drying procedure (please see column 4 lines 44-54);
- measuring a temperature variation rate per unit time over the drying procedure (please see column 5 lines 10-14) ;
- calculating an overall drying time based on the measured temperature variation rate per unit time (please see column 6 lines 10-26); and
- performing the drying procedure for the calculated overall drying time (please see column 5 lines 15-29), and optionally;
- wherein said calculating step is repeated if a substantial increase in the temperature variation rate is detected (please see column 5 line 46).

Claim Rejections - 35 USC § 103

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krausch. Krausch is considered to disclose the claimed invention, as discussed above in the anticipatory rejection, except for the claimed temperature variation rate or substantial increase as a function of variation thereof. It would have been an obvious matter of design choice to claim the temperature variation rate or substantial increase

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as a function of variation thereof, since that value has not been shown to have any patentable advantage over the variation rates found in the prior art of record.

Response to Arguments

Applicant's arguments filed October 21, 2004 have been fully considered but they are not persuasive.

anticipation

Current Office practice permits claims to be construed using the broadest reasonable interpretation in light of the specification. Claim language is given its ordinary meaning to those skilled in the art absent a special meaning from the specification. In this application, it is argued that primary reference Krausch does not anticipate the claimed invention because that reference is viewed to turn off a heater for terminating a drying process based on a temperature value. However, more broadly construing Krausch at column 5 lines 44-62, it can be implicitly taught that the disclosed timer can be used to calculate an overall drying time based on the measured variation rate from the temperature sensors (based on current temperature values stored in memory and a starting temperature) and after the timer has been restarted a second temperature value is ascertained which is considered to perform the claimed drying procedure for the calculated overall drying time.

obviousness

Because the assertion that the obviousness rejection should be withdrawn, because the anticipatory rejection is incorrect does not overcome the rejection. It is

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considered that the anticipatory rejection is proper and the obviousness rejection is appropriate and maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 703 308 7570. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira S. Lazarus can be reached on 703 308 1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smg

A handwritten signature in cursive script, appearing to read "Stephen M. Grain".

November 19, 2004